

1 **BILL NO. 2007-4**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO CLARIFY AND STANDARDIZE THE PROVISIONS THAT GOVERN THE
4 EXPIRATION AND TERMINATION OF ZONING-RELATED APPLICATIONS AND
APPROVALS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: M. Margo Wheeler, Director of
6 Planning and Development

Summary: Clarifies and standardizes the
provisions that govern the expiration and
termination of zoning-related applications and
approvals.

7
8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 19, Chapter 18, Section 10, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new Subsection, designated
12 as Subsection (G), reading as follows:

13 (G) Treatment of Certain Tabled Applications. Any application under this Chapter that requires
14 a public hearing and that is tabled at the request of an applicant shall expire six months after the last
15 announced public hearing date, unless:

16 (1) Within that period of time, the applicant has requested that the item be scheduled again
17 for hearing; or

18 (2) The motion to table the application specified otherwise.

19 After an application has expired in accordance with this Subsection (G), the applicant must submit
20 a new application.

21 SECTION 2: Title 19, Chapter 18, Section 40, Subsection (O), of the Municipal Code
22 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 (O) Rezoning Procedures.

24 (1) Resolution of Intent. Before the City Council adopts an ordinance to effectuate a
25 rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the
26 rezoning. Such a Resolution of Intent is binding upon the City Council in accordance with its terms[.]
27 and shall have a time limit not to exceed two years.

28 (2) Finalizing Rezoning by Ordinance. The final step in the rezoning process, whether or

1 not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance
2 in which the zoning classification of one or more parcels is formalized.

3 (3) Changes. No substantial change may be made to a development or to the rezoning
4 approval which authorized that development without the approval of the City Council. This approval
5 requirement applies to the rezoned parcel both before and after the adoption of an ordinance rezoning
6 that parcel.

7 (4) Termination of Rezoning [Approval Without Time Limit.] Approvals Subject to a
8 Resolution of Intent.

9 (a) Approvals Not Subject to Time Limit. If development does not occur in a
10 timely manner or if conditions in the area change subsequent to the original approval of a rezoning
11 that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution
12 of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions
13 of approval. In addition, if such a rezoning approval no longer conforms to the use and density
14 classification of the General Plan, the City may notify the property owner that the rezoning must be
15 exercised within one year. [If, within that period, the zoning approval is not exercised by means of the
16 recordation of a final subdivision map or by the commencement of actual construction, the approval
17 terminates.] Thereafter, the approval shall be treated as an approval subject to a time limit in
18 accordance with Subparagraph (b) below.

19 (b) Approvals Subject to Time Limit. Except as otherwise provided in Paragraph
20 (5) below, a rezoning approval which is not exercised within the time limit established for or by the
21 Resolution of Intent shall be void.

22 (c) Methods for Exercising Rezoning Approvals. For purposes of this Paragraph
23 (4), a rezoning approval is exercised as follows:

24 (i) For applications that require the creation of a residential subdivision,
25 upon the recordation of a final subdivision map;

26 (ii) For applications that require the construction of a one or more new
27 structures, but do not require the creation of a residential subdivision map, upon the issuance of a
28 building permit for the new construction;

1 (iii) For all other applications, upon the issuance of a certificate of
2 occupancy or approval of a final inspection, whichever is applicable.

3 (5) Extension of Time--General Requirements. If the approval of a Resolution of Intent
4 is subject to a time limit, the approval expires at the end of that time limit unless the City Council
5 extends the approval period. Extension of an approval period[, or reinstatement and extension,] may
6 be granted only if:

7 (a) Application therefor is made [no later than six months after the approval has
8 expired;] prior to the expiration of the time limit;

9 (b) The applicant demonstrates good cause; and

10 (c) The applicant conforms to the additional requirements set forth in [Subsection]
11 Paragraph (6) below.

12 (6) Extensions of Time-Additional Requirements. If a time-limited zoning approval that
13 is sought to be extended [(or reinstated and extended)] continues to conform to the use and density
14 classifications of the General Plan, the applicant must demonstrate that the rezoning remains
15 consistent with the surrounding area and the pattern of development in the area. If the rezoning sought
16 to be extended [(or reinstated and extended)] no longer conforms to the use and density classifications
17 of the General Plan, the extension of time, if granted, shall be limited to a one-year period. If, within
18 that period, the zoning approval is not exercised by means of the recordation of a final subdivision
19 map or by the commencement of actual construction, the approval terminates.

20 SECTION 3: Title 19, Chapter 18, Section 50, Subsection (J), of the Municipal Code
21 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 (J) Expiration. Except as otherwise specified in connection with its approval, a Site Development
23 Plan which is not exercised within two years after the date of approval shall be void, unless an
24 extension of time is granted[.] upon a showing of good cause. An extension of time may be granted
25 only if application therefor is made prior to the expiration of the two-year period (or such other time
26 period as was specified in the approval). For purposes of this [Section] Subsection (J), a Site
27 Development Plan is exercised upon the issuance of a building permit for the principal structure on
28 the site.

SECTION 4: Title 19, Chapter 18, Section 60, Subsection (P), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(P) Termination.

(1) Failure to Exercise.

(a) A Special Use Permit which cannot be exercised except upon construction of a new building, and which is not exercised within two years after approval, shall be void, unless the City Council grants an extension of time upon a showing of good cause. An extension of time may be granted only if application therefor is made prior to the expiration of the two-year period. For purposes of this Subparagraph (a), a Special Use Permit is exercised upon the issuance of a building permit for the new construction.

~~[(2)]~~ (b) A Special Use Permit which does not require the construction of a new building in order to be exercised, and which is not exercised within one year after approval shall be void, unless the City Council grants an extension of time upon a showing of good cause. An extension of time may be granted only if application therefor is made prior to the expiration of the one-year period. For purposes of this Subparagraph (b), a Special Use Permit is exercised upon the approval of a business license to conduct the activity, if one is required, or otherwise, upon the issuance of a certificate of occupancy or approval of a final inspection.

[(3) For any Special Use Permit approved before January 1, 2000, which expires before an extension is granted, the City Council may reinstate the approval within the six-month period following the expiration date and grant an extension of time if the Council is satisfied that there has not been a material change of circumstances such that the Special Use Permit is no longer warranted.]

~~[(4)]~~ (2) Cessation of Use. A Special Use Permit shall be void without further action if:

(a) The Special Use Permit was issued for alcoholic beverage use and such use ceases for one hundred and eighty days or more; or

(b) The Special Use Permit was issued for a use other than alcoholic beverage use and such use ceases for twelve months or more.

[(5) For purposes of this Subsection (P), a Special Use Permit is exercised upon approval of a business license to conduct the activity, if one is required, or, otherwise, upon the issuance of a

1 certificate of occupancy or approval of a final inspection.]

2 SECTION 5: Title 19, Chapter 18, Section 70, Subsection (O), of the Municipal Code
3 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 (O) Termination.

5 (1) Failure to Exercise.

6 (a) A Variance which will require the construction of a new building and which
7 is not exercised within two years after approval shall be void, unless the applicant obtains an extension
8 of time upon a showing of good cause. Application for an extension shall be made to the Planning
9 Commission or City Council, whichever body took final action to approve the Variance. An extension
10 of time may be granted only if application therefor is made prior to the expiration of the two-year
11 period. For purposes of this Subparagraph (a), a Variance is exercised upon the issuance of a building
12 permit for the new construction.

13 [(2)] (b) A Variance which will not require the construction of a new building and which
14 is not exercised within one year after approval shall be void, unless the applicant obtains an extension
15 of time upon a showing of good cause. Application for an extension shall be made to the Planning
16 Commission or City Council, whichever body took final action to approve the Variance. An extension
17 of time may be granted only if application therefor is made prior to the expiration of the one-year
18 period. For purposes of this Subparagraph (b), a Variance is exercised upon the approval of a business
19 license to conduct the activity, if one is required, or otherwise, upon the issuance of a certificate of
20 occupancy or approval of a final inspection.

21 [(3) For any Variance approved before January 1, 2000, which expires before an extension
22 is granted, the Planning Commission or City Council, as the case may be, may reinstate the approval
23 within the six-month period following the expiration date and grant an extension of time if the
24 Commission or Council is satisfied that there has not been a material change of circumstances such
25 that the Variance is no longer warranted.]

26 (2) Cessation of Use. A Variance to allow a use that is not permitted in a particular zone
27 shall be void without further action if the use approved by the Variance ceases for a period of twelve
28 months or more.

1 [(5) For purposes of this Section (O), a Variance is exercised upon approval of a business
2 license to conduct the activity, if one is required, or, otherwise, upon the issuance of a certificate of
3 occupancy or approval of a final inspection.]

4 SECTION 6: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.010,
5 19.18.040, 19.18.050, 19.18.060, and 19.18.070 are deemed to be subchapters rather than sections.

6 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
8 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

18 APPROVED:

19
20 By _____
OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Val Steed 12-20-06
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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